

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHELLE L. ALMANZA,)	
)	
Plaintiff,)	
v.)	CIV. NO.: 3:15-cv-389
)	(VARLAN/GUYTON)
JEFFERSON B. SESSIONS, III,)	
Attorney General,)	
United States Department of Justice,)	
)	
Defendant.)	

JOINT STATUS REPORT ON RESOLUTION EFFORTS

Pursuant to this Court's July 27, 2018 Order, the parties respectfully submit this Joint Status Report apprising the Court of the parties resolution efforts, and whether or not the parties wish to proceed with the filing of post-trial motions and briefs. (Doc. No. 116.) As further explained below, the parties have reached a resolution on all of Plaintiff's claims against Defendant, except Plaintiff's claim for attorneys' fees and costs. The parties wish to proceed with the filing of post-trial motions and briefs on that claim only.

The parties, through counsel, did mediate Plaintiff's remaining claims with Mr. Howard H. Vogel, Esq., of O'Neil, Parker & Williamson, PLLC on August 2, 2018. On or about September 10, 2018, the parties agreed to the terms and conditions of a Settlement Agreement and General Release ("Agreement"), attached hereto, resolving all pending claims and issues against Defendant, except for Plaintiff's claim for attorneys' fees and costs, in exchange for valuable consideration. The resolved claims include Plaintiff's remaining age-based retaliation claim that is pending before this Court, the jury verdict that Plaintiff obtained at trial (Doc. Nos. 105, 114), and Plaintiff's pending actions against the Defendant in every forum, including her Individual

Right of Action (IRA) appeal and underlying claims brought pursuant to the Whistleblower Protection Enhancement Act before the Merit System Protection Board, Docket Number: AT-1221-16-0232-W-4. Plaintiff also agreed to forego refiling her IRA before the Merit System Protection Board, Docket Number: AT-1221-16-0232-W-4. The parties request additional time, no more than 7 days from the date of this Joint Status Report, to sign and commence the execution of the terms of the Agreement.

Once the Agreement is signed, Defendant must submit the Agreement to the Judgment Fund to execute the terms of same by payment of the Settlement Sum to Plaintiff. Typically, when Defendant requests payment from the Judgment Fund pursuant to a Settlement Agreement, two documents are required: (1) a signed settlement agreement and (2) a notice of dismissal. Here, obtaining a notice of dismissal will not be possible since the parties must still litigate Ms. Almanza's remaining claim for attorneys' fees and costs. The Judgment Fund has agreed to proceed with payment pursuant to the Agreement, however, if the District Court acknowledges the parties Agreement on the resolved claims. Therefore, the parties request that this Court acknowledge the Agreement by way of the attached Joint Stipulation of Compromise.

This Court's Order of July 27, 2018 stayed this case until October 1, 2018. Plaintiff moves this Court for an Order lifting this stay and setting the following briefing schedule to address the plaintiff's motion for attorneys' fees and costs:

- Plaintiff's motion for attorneys' fees and costs will be due November 1, 2018;
- Defendants' response to the plaintiff's motion will be due December 17, 2018;
- Plaintiff's reply to the defendant's response will be due January 7, 2019.

Despite the proposed briefing schedule requested above, the parties agree that either may seek leave of court to adjust the briefing schedule if necessary as the need arises.

Plaintiff's Additional Report:

Due to the remaining dispute over attorneys' fees and expenses, once the stay is lifted, the plaintiff intends to file a motion to re-open discovery for the limited purpose of seeking information related to the defendant's investment of time and resources into the defense of this case as relevant to the reasonableness of the plaintiff's investment of time and resources into the pursuit of her claims. The plaintiff will continue to pursue a negotiated resolution to this remaining dispute and believes that limited discovery will assist in this effort.

Defendant's Response:

Defendant does not believe the dispute over attorneys' fees and expenses warrants additional discovery. Defendant intends to file memoranda in opposition to Plaintiff's motion to re-open discovery.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Jennifer B. Morton, Esq. and Maha M. Ayesh, Esq., Counsel for Plaintiff.

s/Brandi M. Stewart

BRANDI M. STEWART (Ohio 0082546)
Assistant United States Attorney